

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ROBBIE JOHNSON)	
)	
Plaintiff,)	CIVIL ACTION NO: 1:21-cv-01161-
)	STA-jay
v.)	
)	
TYSON FOODS, INC. and RONDA GOOCH,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S AMENDED VERIFIED COMPLAINT AND INCORPORATED
MEMORANDUM OF LAW**

Defendants Tyson Foods, Inc. and Ronda Gooch, by and through counsel, and pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and Local Rule 7.2 hereby file their Motion for Extension of Time to Respond to Plaintiff's Amended Verified Complaint and Incorporated Memorandum of Law and request that the Court extend the time for Defendants to Respond to Plaintiff's Amended Verified Complaint from Thursday December 2, 2021 to Thursday December 9, 2021 as there is good cause for the requested extension.

FACTS

1. Defendants filed their Motion to Dismiss Plaintiff's original Complaint on October 28, 2021 (D.E. 14).
2. On November 18, 2021 Plaintiff filed a 70-page Amended Verified Complaint that contains 268 paragraphs plus a Prayer for Relief and thirteen (13) causes of action (D.E. 18).

3. Defendants intend to file a Motion to Dismiss Plaintiff's Amended Verified Complaint.

4. The current deadline for responding to the Amended Verified Complaint is December 2, 2021. Given the intervening Thanksgiving holiday and weekend and the extra time needed to prepare a response to the thirteen causes of action contained in Plaintiff's Amended Verified Complaint, Defendants respectfully submit there is good cause to extend the deadline for responding to Plaintiff's Amended Verified Complaint up to and including December 9, 2021.

ARGUMENT

DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S AMENDED VERIFIED COMPLAINT SHOULD BE GRANTED AS THERE IS GOOD CAUSE FOR THE REQUESTED EXTENSION.

Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure provides:

(b) EXTENDING TIME.

(1) *In General*. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires;

Id.

"Because the district court may exercise its discretion under Rule 6(b)(1)(A) only 'for good cause,' a party must demonstrate some justification for the issuance of the extension."

Federal Practice and Procedure (Wright & Miller) §1165. "However, an application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party." Id.

Defendants submit there is good cause for the Court to extend the time for Defendants to Respond to Plaintiff's Amended Verified Complaint. In the present case Plaintiff has filed a

70-page Amended Verified Complaint with 268 paragraphs plus a Prayer for Relief that contains thirteen (13) causes of action. Defendants intend to file a Motion to Dismiss but needs a seven-day extension of time up to and including December 9, 2021 to prepare a response to Plaintiff's Amended Verified Complaint given the intervening Thanksgiving holiday and weekend. Defendants have not engaged in bad faith and Plaintiff will not suffer prejudice as a result of the requested extension.

CONCLUSION

Based on the foregoing, Defendants respectfully request that the Court grant their Motion for Extension of Time to Respond to Plaintiff's Amended Verified Complaint as Defendants have demonstrated good cause under Rule 6(b)(1)(A) for the requested extension.

Respectfully submitted,

FISHER & PHILLIPS LLP

By: /s J. Gregory Grisham
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Attorneys for Defendants

CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(1)(B) Counsel for Defendants contacted Counsel for Plaintiff by email on the afternoon of November 22, 2021 (2:34 pm CST) to ascertain whether Plaintiff opposed the relief requested in Defendants' Motion and advised that Counsel intended to file this Motion on the morning of the 23rd. As of the time this Motion was filed Plaintiff's Counsel had not responded.

/s/ J. Gregory Grisham
J. Gregory Grisham

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing Motion for Extension of Time to Respond to Plaintiff's Amended Verified Complaint and Incorporated Memorandum of Law was electronically filed with the Clerk of Court using the CM/ECF system and served on the followings persons:

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Counsel for Plaintiff

This the 23rd day of November, 2021.

/s J. Gregory Grisham
J. Gregory Grisham
Attorney for Defendant